



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

COPY MAILED

MAY 19 2008

OFFICE OF PETITIONS

In re Patent No. 7,042,013 :
Issued May 9, 2006 :
Application Number: 10/647,000 : DECISION ON PETITION
Filing Date: August 22, 2003 :
Attorney Docket Number: 5367-40 :
:

This is a decision on the petition under 37 CFR 1.323 filed December 14, 2006 for a certificate of correction to correct the name of the assignee.

The petition is **DISMISSED**.

Assignment data printed on the patent is based solely on the information so supplied on the Issue Fee Transmittal Form (PTOL-85B). A review of the record indicates that the Issue Fee Transmittal Form (PTOL-85B) submitted February 2, 2006, incorrectly identified the assignee. However, the granting of a request under 37 CFR 3.81 (b)¹ is required to correct applicant's error providing incorrect or erroneous assignment date, before issuance of a Certificate of Correction, under 37 CFR 1.323 (see Manual of Patent Examining Procedures (M.P.E.P.) Chp. 1400, sect. 1481). This procedure is required at any time after the issue fee is paid, including after issuance of the patent.

Additionally, petitioner must provide a statement that the failure to include the correct assignee name on the PTO-85B was inadvertent and include a copy of the notice of Recordation of Assignment Document, reflecting the real and frame number where the assignment(s) is recorded and/or reflecting proof of the date the assignment was submitted for recordation.

¹Any request for issuance of an application in the name of the assignee submitted after the date of the payment of the issue fee, and any request that a patent be corrected to state the name of assignee must:

- (A) state the assignment was submitted for recordation as set forth in 37 CFR §3.11 before issuance of the patent;
- (B) provide a request for a certificate of correction §1.323;
- (C) provide the fee set forth in 37 CFR §1.20 (a) and
- (D) provide the processing fee set forth in 37 CFR §1.17(i)

The instant petition was not submitted with a petition under 37 CFR 3.81(b) and thus cannot be granted.

Any request for reconsideration under 37 CFR 3.81(b) should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions